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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,607	06/02/2000	Takashi Ono	35.G2607	9138

5514 7590 06/03/2003

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30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

GARCIA, GABRIEL I

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,607

Applicant(s)

Ono et al.

Examiner

H. Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) 1-10 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Part III DETAILED ACTION

1. Claim 20 link(s) inventions I and III. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s), claim 20. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United

States.

3. Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al. (5,828,466).

With regard to claim 11, Imai et al. teaches a data processing apparatus (see figure 1a and 1b) comprising: a connector (108), arranged to be connected to a peripheral apparatus (2) such as a printer unit (2) for printing an image; a print data generator (105), arranged to generate printing data for causing the peripheral apparatus connected via said connector to perform printing (reads on figs. 1a, 1b and 2); a data processor (101), arranged to processing the printing data generated by said print data generator into data to be processed by a unit other than the printer unit of the peripheral apparatus connected via said connector (reads on figures 1 and 2, which allow the microprocessor to fax the scanned data by the reading unit 105 through the communication unit or by allowing the microprocessor to send the scanned data to the other device such as the information processing terminal (109)); and a data transfer (108), arranged to transfer the data processed by said data processor to the peripheral apparatus via said connector, wherein said data processor (101) generates information (reads on col. 7, line 52 thru col. 8, line 45, the added data being controlled data) that is added to the printing data, the added information being such that the peripheral apparatus, if properly programmed,

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upon receiving the printing data with the added information, will print the printing data, without printing the added information (reads on col. 7, line 52 thru col. 8, line 45, the control data is added to the printing data, but this control data is not printed, it is only used to control the printing operation).

With regard to claim 12, Imai et al. further teaches the print data generator generates the printing data using a printer driver dedicated for a printer (reads on fig. 1a, which describes how the generator uses the program code that acts as the driver, which allow the printer to generate the printed data).

With regard to claim 13, Imai et al. further teaches the data processor adds a predetermined adder to the printing data generated by said print data generator (reads on col. 1, lines 11-37, which allows the microprocessor to add information to the print data as described in col. 1).

With regard to claim 14, Imai et al. further teaches the data processor processes the data into a form capable of being processed by a facsimile unit for performing facsimile processing (reads on items 101 and 102, which allow the print data to be converted by a program code to be processed or faxed).

With regard to method claim 15, the limitations of claim 15 are covered in the limitations of the functions of the apparatus claim 11.

With regard to claim 16, the limitations of claim 16 are

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covered by the limitations of the claims 11 and 15 above, which teach the means and the steps to produce the limitations of claim 16. The steps described above, can be program and stored in the memory (102 or 103) of the apparatus of Imai et al. to produce the process code as claimed by claim 16.

Conclusion

4. Applicant's arguments filed 2/21/03 have been fully considered but they are not persuasive. Applicant's arguments presented with respect to the features added to the claims have been addressed in the body of the rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

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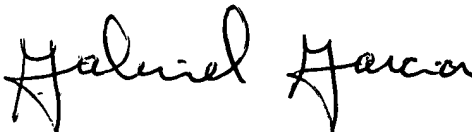
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pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gabriel I. Garcia** whose telephone number is (703) 305-8751. The Examiner can be reached from Monday through Thursday, from 7:30 am to 6:00 pm. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Gabriel I. Garcia
Primary Examiner
March 2, 2003


GABRIEL GARCIA
PRIMARY EXAMINER